

Government of Andhra Pradesh

ABSTRACT

Endowments Department – Prakasam District – Ponduru Village, Tangutur Mandal, S.N.Padu Constituency- fraudulently obtained Lease rights by one Sri Katragadda Viswanadham S/o Jalaiah in the land to an extent of 2.96 acres in Survey No. 333 of Sri Vejandlavari Dharma Kuntla, Prakasam District – Set-aside the Orders – Issued by the Assistant Commissioner, Prakasam and Regional Joint Commissioner, Multi Zone-II Tirupati.

Revenue (Endowments.IV) Department

G.O.Rt.No.1331

Dated: 25th June, 2008

Read the following

- 1) Reprn. from Sri Vejendla Krishna Muthy, Chairman, Sri Vejandlavari Dharma Kuntla, Prakasam District.
- 2) Proceeding of Asst. Commissioner (Endowments), Prakasam Dist.
Lr.Vide Rc.No.A1/5351/2003, dated: 18.7.2003.
- 3) Order of Regional Joint Commissioner, Multi-zone, Tirupati
Vide Lr.No.20/2006, dt: 27.10.2007.

<<>>

ORDER:

The Chairman Sri Vejendla Krishna Murthy, Sri Vejandlavari Dharma Kunta, Ponduru Village, Tangutur Mandal, Prakasam District represented to Government against the orders of the Regional Joint Commissioner of Endowments, Tirupati. The case was heard on 15-5-2008, the counsels for the petitioner and the respondent No.(1). Government have heard the arguments of the both counsels.

2. The Counsel for the petitioner has pointed out that the file in which the order dated: 18-7-2003 referred at 2nd read above was not genuine. The order in question is a fake order. There is no note file. 10 orders were given with the same number and the date of representation is not noted. He has also pointed out that Under Section 82 of Endowment Act the person ought to have been in possession of the land six year prior to the commencement of Act as a lessee where in this case he was in possession from 1999 to 2002 according to his application and the respondent cannot seek a declaration as a small farmer and the son of the respondent was working in APSRTC. Hence the person could not have claimed to be a land less poor person and the Tobacco grower's statement shows more income than certified for small farmer.

3. Further, the Advocate for Respondent (Katragadda Viswanadham S/o Jalaiah) has pointed out that, if any one is aggrieved, one to file appeal before Regional Joint Commissioner (R.J.C) under Rule 4. No further appeal would be available, including Government and hence the Government have no Jurisdiction and the Executive Officer (E.O.) has to file petition. Chairman is not competent under section 29 to file an appeal on the person filing appeal Under Section 92 above can file/ revision under section 93, the petitioner was not a party before the Assistant Commissioner/Deputy Commissioner and in the offices of Endowments Department, number of orders are being issued in a single file and the son was a major and got employment. In the new ration card son's name was not noted and as per the tobacco Grower's report and on the date of issue of certificate to the respondent's share was 1/3rd.

Contd..2

//2/

4. Government after hearing the arguments, put forth by the counsel for petitioner an respondent No.(1) (Katragadda Viswanadham S/o Jalaiah) allowed the revision petition filed by Sri Vejendla Krishna Murthy Chairman, Vejandlavari Dharma Kunta, Ponduru (V), Tangutur Mandal, Prakasam District to set aside the orders of the Assistant Commissioner, Ongole Prakasam District in Rc.No. A1/5351/2003, dated: 18.7.2003 and also the orders in R.P.No.20/2006 dated: 27.10.2007 passed by the Regional Joint Commissioner, Multi Zone-II, Endowments Department, Tirupati, as the respondent is not a landless poor person eligible for taking the land on lease. It is also seen that the prescribed procedure has not been followed by the institution on leasing any land to the respondent.

5. The Commissioner Endowments Department, Hyderabad shall take necessary further action.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.SUDHIR,
Principal Secretary to Government

To
The Commissioner Endowments Dept., Hyderabad. (we)
The Regional Joint Commissioner,
Multi-zone-II,
Tirupati.
The Asst. Commissioner Endowments Dept. Ongole Prakasam District.
The Chairman,
Vajendla vari Dharma Kunta,
Ponduru (V), Tangutur (M), Prakasam District.
Sri Katragada Viswanadham S/o Jalaiah,
Ponduru (V), Tangutur (M),
Prakasam District.
Sf/Sc.

//Forwarded:: By Order//

Section Officer